

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38660 of 2020

Arising Out of PS. Case No.-177 Year-2020 Thana- TEKARI District- Gaya

Krishna Yadav Son Of Kanhai Yadav Resident Of Village - Balli, Police
Station - Tekari In The District Of Gaya

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr. Braj Nandan Kumar Tiwary, Advocate
For the Opposite Party/s :	Mr. Nand Kishore Prasad, APP
For the Informant :	Mr. Umesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 14-12-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner, learned counsel for the informant and Mr. Nand Kishore Prasad, learned APP for the State.

The petitioner in the present case is seeking pre-arrest bail in connection with Tekari P.S. Case No. 177 of 2020 registered for the offences punishable under Sections 323, 341, 307, 302, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act. The petitioner has no criminal antecedent.

As per the prosecution story, when the informant and his father went outside the village by motorcycle, all FIR named accused persons came there on two motorcycle and surrounded



them. Thereafter, this petitioner along with co-accused Sonu Yadav had assaulted them and co-accused Chhotu Yadav had fired from his pistol upon the father of the informant and co-accused Baban Yadav fired on the informant and the accused persons fled away. Thereafter, the informant and his father were brought to the hospital where father of the informant was declared dead.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the allegation of firing is against co-accused. The petitioner has no criminal antecedent.

Learned APP for the State and learned counsel for the informant have opposed the prayer for pre-arrest bail of the petitioner.

Having regard to the materials placed before this Court and the submission that this petitioner had also actively participated in the alleged occurrence, the allegation against him is that he along with co-accused Sonu Yadav had been involved in abusing and assaulting the deceased and thereafter the co-accused Chhotu Yadav had fired from his pistol upon the father of the informant who ultimately died and further that as per the *post-mortem* report five *anti-mortem* injuries have been found



apart from the firearm injury, this Court is not inclined to grant privilege of anticipatory bail to the petitioner.

The prayer for pre-arrest bail of the petitioner is, thus, refused.

If the petitioner surrenders and prays for regular bail within a period of four weeks from today before the learned court below, his prayer for regular bail shall be considered on its own merit without being prejudiced by the present order.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

